

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2050 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH HEERABHAI PARMAR

Versus

COMMISSIONER OF POLICE

Appearance:

MR PREMAL R JOSHI for Petitioner

MS HANSABEN PUNANI AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 02/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

2. The petitioner challenges the order of preventive detention dated 9th October, 1998 made by the Commissioner of Police, Ahmedabad City under the powers conferred upon him under Sub-section 1 of Section 3 of the Gujarat

Prevention of Anti-Social Activities Act, 1985
[hereinafter referred to as, 'the Act'].

3. It is alleged that five offences punishable under Chapters XVI and XVII of the Indian Penal Code are registered against the petitioner and two persons have given statements in respect of the nefarious activities of the petitioner. The petitioner is, therefore, held to be a 'dangerous person' within the meaning of Section 2 (c) of the Act and his activities are alleged to be prejudicial to the maintenance of 'public order'.

4. It is submitted that one Dinesh Himatlal Chhara is a co-accused of the petitioner in all the aforesaid offences registered against the petitioner. The detaining authority, relying upon the same material, had ordered preventive detention of the said Dinesh Himatlal Chhara also. The said order of preventive detention made against Dinesh Chhara has been set-aside by this Court under its judgment and order dated 24th July, 1999. The Court has held that the alleged activities of the detenu had no adverse effect on public order. Since the present petitioner has been detained on the same grounds and the same evidence, it must be held that the petitioner's activities are not prejudicial to the maintenance of public order.

5. Petition is, therefore allowed. The impugned order dated 9th October, 1998 is quashed and set-aside. Rule is made absolute. The petitioner, unless is required to be detained in some other case, be released forthwith.

Prakash*